

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-6346

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

GREGORY ROLAND PRUESS,

Defendant - Appellant.

No. 02-6803

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

GREGORY ROLAND PRUESS,

Defendant - Appellant.

Appeals from the United States District Court for the Western
District of North Carolina, at Statesville. Richard L. Voorhees,
District Judge. (CR-94-19, CR-97-300, CA-99-79-V)

Submitted: September 25, 2002

Decided: October 8, 2002

Before NIEMEYER, WILLIAMS, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Gregory Roland Pruess, Appellant Pro Se. C. Nicks Williams, OFFICE
OF THE UNITED STATES ATTORNEY, Charlotte, North Carolina, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Gregory Roland Pruess appeals the district court's orders denying his petition under 28 U.S.C. § 2241 (2000), and declining to reconsider the denial of his petition. We have reviewed the record and the district court's opinion and find no reversible error. The district court's final order dispensing with the § 2241 petition is affirmed on the reasoning of the district court. See United States v. Pruess, No. CR-94-19 (W.D.N.C. Nov. 13, 2002). We note that although Pruess's post-judgment motion tolled the running of the period in which to file a timely notice of appeal, see Fed. R. App. P. 4(a)(4)(A), the motion did not entitle Pruess to relief whether considered on its merits, or construed as a successive 28 U.S.C. § 2255 (2000), motion. We therefore affirm the denial of Pruess's motion substantially on the reasoning of the district court. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED